IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 179 OF 2007
IN
APPEAL FROM ORDER NO. 67 OF 2007

MR. AJIT SUKHIJA ... Applicant
Versus
MR. EDGAR FRANCISCO VALLES AND 5 ORS., ... Respondents

Mr. S. D. Lotlikar, Sr. Advocate with Ms. Sapna Mordekar,Advocate for the appellant.
Mr. Sudin Usgaonkar with Ms. G. Kale, Advocates for the respondent No.1.

Coram:- R. S. MOHITE, J.

Date:- 20th September, 2007

P.C.

The appeal from order has been filed by separate order. As far as grant of interim relief is concerned, I am not inclined to grant the blanket stay of the operation of the Will. In my view, defendant Nos. 2 to 3 & 5 who are the beneficiaries should not be deprived of the benefits which accrued to them under the Will. As far as defendant No.4 is concerned, she is the wife of the plaintiff and she has chosen to deny the validity of the Will. In the circumstances, she is injuncted from claiming any of the benefits under the Will. As far as defendant No.1 is concerned, he is admittedly residing in Portugal. As against him to prevent irreparable injury, I am inclined to give limited interim relief since he is universal legatee. The respondent No.1 is therefore, injuncted from creating any third party rights in respect of immovable properties which may devolve upon him under the Will dated 22.8.2005. As regards the moneys, stocks, other investments and movable properties which may devolve upon him under the Will, he will be entitled to encash or enjoy the same within the

Country. He will however, not take these benefits out of the country without obtaining prior permission of this Court. He will maintain accounts of the properties of the benefits received by him. C. A. disposed off.

R. S. MOHITE, J.

SMA